

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
Tribal Council Chambers  
7500 Odawa Circle  
Harbor Springs, MI 49740  
November 4, 2012

Closed Session: yes

Call to Order: Meeting was called to order at: 9:00 a.m.

Opening Ceremony: Melvin L. Kiogima

Council Present: Legislative Leader Melvin L. Kiogima, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Belinda Bardwell, Councilor Aaron Otto, Councilor John Keshick, Councilor Bill A. Denemy, Councilor Winnay Wemigwase

Absent: Councilor Kevin Gasco

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele LaCount

Executive Officials and Staff Present: Tammy Okuly, John Gasco

Judicial Branch: Court Administrator Bernadece Kiogima

Public: Annette VanDeCar, Doug Emery, John Kawegoma, Edward Shenoskey, Steve Shenoskey,

Invited Guests: Odawa Casino: Finance Director Roger Borton, Human Resource Director Melissa Richards, Marketing Director Karyann Waukazoo, Hospitality Director Michael Bodjiak, Director of Property Operations Barry Laughlin, Tara Otto-Brill

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Motion made by Councilor Otto and supported by Councilor Bardwell to adopt the amended agenda for November 4, 2012.

Vote: 8 - Yes, 0 - No, 0- Abstained, 1 – Absent (Councilor Gasco)

Motion carried.

Motion made by Councilor Keshick and supported by Treasurer Bott to approve the minutes of October 12, 2012 as presented.

Vote: 8 - Yes, 0 - No, 0- Abstained, 1 – Absent (Councilor Gasco)

Motion carried.

Elder Comments opened: no comments.

1 9:18 a.m. Councilor Gasco arrived.

2  
3 Motion made by Councilor Wemigwase and supported by Councilor Otto to  
4 accept Legislative Leader Kiogima's verbal report for November 4, 2012.

5 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

6 Motion carried.

7  
8 Elder Comments: John Kawegoma spoke regarding the need for building security  
9 particularly after hours. Tammy Okuly spoke regarding Elder notifications and  
10 current services. John Kawegoma spoke regarding the difficulty of working with  
11 Executive departments and the need for monetary backbone and the channeling  
12 of services from one department to another.

13  
14 10:21 a.m. Recess called.

15 10:52 a.m. Meeting reconvened.

16  
17 Secretary Gasco Bentley read into the minutes the phone polled as passed on  
18 October 24, 2012: Pursuant to the attached Supplemental Funding Request and  
19 as recommended by the Appropriations and Finance Committee: To appropriate  
20 \$455,000 from the prior period funds account to the Distribution line item in the  
21 Executive budget to provide for an additional \$99 to each Tribal Citizen for the  
22 FY 2012 per capita payment. The Phone Poll passed 6-yes, 3-no (Legislative  
23 Leader Kiogima, Councilor Otto, Councilor Denemy). Councilor Denemy  
24 mentioned he preferred the Elders receive a larger increase.

25  
26 Motion made by Councilor Bardwell and supported by Councilor Wemigwase to  
27 accept Secretary Gasco Bentley's report for November 4, 2012.

28 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

29 Motion carried.

30  
31 Motion made by Councilor Bardwell and supported by Councilor Wemigwase to  
32 accept Treasurer Bott's verbal report for November 4, 2012.

33 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

34 Motion carried.

35  
36 11:47 a.m. Public Comment opened. No comments.

37 11:48 a.m. Public comment closed.

38  
39 12:11 p.m. lunch recess called.

40 1:30 p.m. Meeting reconvened.

41  
42 1:51 p.m. Motion made by Councilor Keshick and supported by Councilor  
43 Wemigwase to go into closed session for Confidential Business matters.

44 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bardwell)

45 Motion carried.

46  
47 2:11 p.m. Motion made by Councilor Bardwell and supported by Treasurer Bott to  
48 return to open session.

1 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

2 Motion carried.

3  
4 Motion made by Councilor Denemy and supported by Treasurer Bott to accept  
5 Tribal Council travel reports from all of Tribal Council including Councilor  
6 Wemigwase Junior Council report.

7 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

8 Motion carried.

9  
10 Motion made by Councilor Otto and supported by Councilor Gasco to accept the  
11 Odawa Casino Resort Quarterly report for November 2012.

12 Vote: 8 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 0– Absent

13 Motion carried.

14  
15 Motion made by Councilor Bardwell and supported by Treasurer Bott to accept  
16 the Agricultural Assessment Work Group verbal report as given by Councilor  
17 Keshick.

18 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

19 Motion carried.

20  
21 3:00 p.m. Public Comment opened: Annette VanDeCar asked if the Tribal  
22 Council Motion appropriating funds to the Judicial Branch is allowed to be  
23 changed/modified by the Executive Branch.

24 3:02 p.m. Public Comment closed.

25  
26 3:02 p.m. Recess called.

27 3:18 p.m. Meeting reconvened.

28  
29 Motion made by Councilor Wemigwase and supported by Councilor Denemy to  
30 accept Treasury Director Garrow's verbal and written report for November 4,  
31 2012.

32 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

33 Motion carried.

34  
35 Motion made by Treasurer Bott and supported by Councilor Wemigwase to  
36 accept Legislative Services Attorney Budnick's verbal and written report for  
37 November 4, 2012.

38 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

39 Motion carried.

40  
41 4:06 p.m. Motion made by Councilor Bardwell and supported by Treasurer Bott to  
42 go into closed session for legal purposes.

43 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

44 Motion carried.

45  
46 5:07 p.m. Motion made by Treasurer Bott and supported by Councilor  
47 Wemigwase to return to open session.

48 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

1 Motion carried.

2  
3 5:07 p.m. Recess called.

4 5:18 p.m. Meeting reconvened.

5  
6 Motion made by Councilor Wemigwase and supported by Councilor Gasco to  
7 accept General Counsel Bransky's Enjiinakneng verbal report for November 4,  
8 2012.

9 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

10 Motion carried.

11  
12 Motion made by Councilor Wemigwase and supported by Councilor Bardwell to  
13 approve Certified Motion: To Establish an Ad-hoc Hearing Assistance Work-  
14 group, as submitted by the Tribal Chairman.

15 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

16 Motion carried.

17  
18 Motion made by Councilor Wemigwase and supported by Secretary Gasco  
19 Bentley to approve the 2013 Tribal Council Regular Work Session and Meeting  
20 Schedule.

21 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

22 Motion carried.

23  
24 Motion made by Councilor Bardwell and supported by Councilor Wemigwase to  
25 acknowledge receipt of Waganakising Odawak Development's 3rd Quarter 2012  
26 Report.

27 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

28 Motion carried.

29  
30 Motion made by Councilor Wemigwase and supported by Councilor Bardwell to  
31 Acknowledge Receipt of Nichole Biber (Shananaquet) Letter of Interest and  
32 Résumé and to establish an interview date for the position of Traditional Tribal  
33 Burial Grounds Board Member.

34 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

35 Motion carried.

36  
37 Motion made by Treasurer Bott and supported by Councilor Wemigwase to  
38 Acknowledge Receipt of Wesley Andrews Letter of Interest and to establish an  
39 interview date for the position of Traditional Tribal Burial Grounds Board Member.

40 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

41 Motion carried.

42  
43 Motion made by Councilor Denemy and supported by Treasurer Bott to  
44 Acknowledge Receipt of Alice Yellowbank's Letter of Interest and Résumé and to  
45 establish an interview date for the position of Traditional Tribal Burial Grounds  
46 Board Member.

47 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

48 Motion carried.

1  
2 Motion made by Councilor Gasco and supported by Councilor Bardwell to  
3 approve the supplement funding request by Odawa Fishery, Inc. in the amount of  
4 \$47,000.00 to purchase a fish fillet machine and fish for the fall harvest to come  
5 from prior period funds as recommended by the to approve the supplement  
6 funding request by Odawa Fishery, Inc. in the amount of \$47,000.00 to purchase  
7 a fish fillet machine and fish for the fall harvest to come from prior period funds  
8 as recommended by the Appropriations and Finance Committee.

9 Vote: 8 - Yes, 1 – No (Secretary Gasco Bentley), 0 - Abstained, 0 – Absent  
10 Motion carried.

11  
12 Motion made by Treasurer Bott and supported by Councilor Gasco to pass the  
13 Election Board Statute.

14 Roll call vote: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-  
15 yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-yes,  
16 Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-  
17 yes

18 Motion carried.

19  
20 Motion made by Councilor Gasco and supported by Councilor Otto to amend the  
21 agenda to add the following: Supplemental funding for the Judiciary in the  
22 amount of \$24,000, Supplemental funding for the Judiciary in the amount of  
23 \$11,000, the Ad-hoc Agricultural Assessment, the Junior Tribal Council, the Third  
24 Amendment to Tax Agreement, the referendum for the Mackinaw Casino.

25 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

26 Motion carried.

27  
28 Motion made by Secretary Gasco Bentley and supported by Councilor Denemy  
29 to approve the supplemental funding request from the Judicial Branch to cover  
30 the travel costs of the Associate Judge in the amount of \$24,000 to come from  
31 prior period funds.

32 Vote: 7 - Yes, 2 – No (Councilor Wemigwase, Councilor Gasco), 0 – Abstained, 0  
33 – Absent

34 Motion carried.

35  
36 Motion made by Councilor Gasco and supported by Councilor Wemigwase to  
37 approve the supplemental funding request by the Judicial Branch in the amount  
38 of \$11,000 to purchase furniture and to supplement the Indigent Fund to come  
39 from prior period funds.

40 Vote: 8 - Yes, 0 – No, 1 – Abstained (Councilor Keshick), 0 – Absent

41 Motion carried.

42  
43 Motion made by Councilor Otto and supported by Councilor Bardwell to approve  
44 the Certified Motion “To Establish an Ad-hoc Agricultural Assessment Work-  
45 group” as submitted by Tribal Chair on August 29, 2012.

46 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

47 Motion carried.

1 Motion made by Councilor Wemigwase and supported by Secretary Gasco  
2 Bentley to establish a Tribal Council Ad-Hoc Committee to develop a Junior  
3 Tribal Council comprised of LTBB Citizens, eighteen (18) years of age and  
4 under, by drafting all pertinent statutes, initial policies, procedures and budget-  
5 related requests to bring back to Tribal Council for approval.

6 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

7 Motion carried.

9 Motion made by Treasurer Bott and supported by Councilor Wemigwase to  
10 approve Certified Motion: Authorization for Third Amendment to Tax Agreement  
11 and authorized the Tribal Chairman to sign the agreement.

12 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

13 Motion carried.

15 Motion made by Councilor Wemigwase and supported by Secretary Gasco  
16 Bentley to submit the proposed Mackinaw Casino Project to a vote of the  
17 registered Tribal voters at a referendum election per ARTICLE XIV., Part B. of  
18 the Little Traverse Bay Bands of Odawa Indians Constitution.

19 Vote: 2 - Yes, 7 – No (Councilor Gasco, Councilor Keshick, Councilor Bardwell,  
20 Legislative Leader Kiogima, Treasurer Bott, Councilor Denemy, Councilor Otto),  
21 0 - Abstained, 0 – Absent

22 Motion carried.

24 Motion made by Councilor Otto and supported by Councilor Gasco to dismiss the  
25 complaint for Removal of the Prosecutor by complainant Doug Emery, dated July  
26 5, 2012, for the reason that the complaint does not contain a clear and concise  
27 statement of the alleged actions and facts that support the allegation of gross  
28 misconduct that is clearly prejudicial to the administration of justice.

29 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

30 Motion carried.

32 Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to  
33 amend the agenda to include Closed Session for confidential legal matters.

34 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

35 Motion carried.

37 7:07 p.m. Motion made by Councilor Wemigwase and supported by Councilor  
38 Otto to go into Closed Session for personnel.

39 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)

40 Motion carried.

42 7:45 p.m. Motion made by Councilor Denemy and supported by Councilor  
43 Wemigwase to return to open session.

44 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

45 Motion carried.

1 7:46 p.m. Motion made by Councilor Wemigwase and supported by Secretary  
2 Gasco Bentley to go into Closed Session.

3 Vote: 8 - Yes, 0 - No, 1 – Abstained (Legislative Leader Kiogima), 0 – Absent  
4 Motion carried.

5  
6 7:47 p.m. Motion made by Councilor Denemy and supported by Councilor  
7 Wemigwase to return to open session.

8 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)  
9 Motion carried.

10  
11 7:48 p.m. Motion made by Treasurer Bott and supported by Councilor  
12 Wemigwase to adjourn.

13 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent  
14 Motion carried.

15  
16  
17 These Minutes have been read and approved as written (or) corrected: (delete  
18 either the word “written” or “corrected” as pertains to how the minutes were  
19 approved.)  
20

21  
22  
23 \_\_\_\_\_  
Regina Gasco Bentley, Tribal Council Secretary

\_\_\_\_\_  
Date